

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JERRY B. KEELE and wife,  
VICKI J. KEELE,

Plaintiffs

v.

GREEN FIELD TRANSPORT  
COMPANY, INC.,

Defendant

No. 4:04-cv-06

**MEMORANDUM AND ORDER**

This is a diversity case which resulted in a jury verdict in favor of the plaintiff in the amount of \$9,065.13. Plaintiff had moved for a new trial contending that the verdict is not sufficient to adequately compensate him for his injuries [Court File #51]. With regard to the inadequacy of jury verdicts, T.C.A. § 20-10-101 provides in relevant part as follows:

**Inadequate verdict - Suggestion of additur - Granting new trial - Appeal.** - (a)(1) In cases where, in the opinion of the trial judge, a jury verdict is not adequate to compensate the plaintiff or plaintiffs in compensatory or punitive damages, the trial judge may suggest an additur in such amounts as he deems

proper to the compensatory or punitive damages awarded by the jury, ...

If the court suggests an additur and the defendant refuses to accept the additur, then a new trial will be granted. *Id.*

In the instant case, the court finds that the jury verdict was not adequate to compensate the plaintiff in compensatory damages. Specifically, the jury award reflects that plaintiff was awarded compensatory damages in an amount which only covered his medical expenses and gave him nothing to compensate him for the pain and suffering resulting from the injuries which necessitated the medical expenses. Accordingly, I am of the opinion that an additur is appropriate in this case and suggest an additur of \$5,000. Within ten (10) days from the date of the entry of this order, defendant will notify the court in writing whether or not it accepts the suggested additur. If defendant accepts the suggested additur, then the judgment will be amended to reflect that acceptance. If defendant declines the suggested additur, plaintiff's motion for a new trial will be granted.

**ENTER :**

*s/ James H. Jarvis*

UNITED STATES DISTRICT JUDGE